

HOUSE BILL NO. 513

INTRODUCED BY D. BARRETT

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE APPLICABILITY OF OPEN MEETING LAWS BY
5 DEFINING THE PUBLIC ENTITIES THAT ARE SUBJECT TO THE OPEN MEETING REQUIREMENT;
6 AMENDING SECTIONS 2-3-201, 2-3-202, AND 2-3-203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
7 DATE."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 **Section 1.** Section 2-3-201, MCA, is amended to read:
12 **"2-3-201. Legislative intent -- liberal construction.** The legislature finds and declares that public
13 ~~boards, commissions, councils, and other public agencies~~ entities in this state exist to aid in the conduct of the
14 peoples' business. It is the intent of this part that actions and deliberations of all public ~~agencies shall~~ entities
15 must be conducted openly. The people of the state do not wish to abdicate their sovereignty to the ~~agencies~~
16 ~~which~~ public entities that serve them. Toward these ends, the provisions of ~~the~~ this part shall must be liberally
17 construed."

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19 **Section 2.** Section 2-3-202, MCA, is amended to read:
20 **"2-3-202. Meeting defined Definitions.** As used in this part, the following definitions apply:
21 (1) ~~"meeting"~~ "Meeting" means the convening of a quorum of the constituent membership of a public
22 ~~agency or association described in 2-3-203~~ entity, whether corporal or by means of electronic equipment, to
23 hear, discuss, or act upon a matter over which the ~~agency~~ public entity has supervision, control, jurisdiction, or
24 advisory power.

25 (2) "Public entity" means:
26 (a) any board, bureau, commission, department, authority, or officer of the state or local government
27 authorized by law to make rules, determine contested cases, or enter into contracts;
28 (b) organizations by whatever name supported in whole or in part by public funds or expending public
29 funds; or
30 (c) a group of individuals organized for a governmental or public purpose, including advisory councils

1 and entities created by executive order."

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3 **Section 3.** Section 2-3-203, MCA, is amended to read:

4 **"2-3-203. Meetings of public agencies and certain associations of public agencies entities to be**
 5 **open to public -- exceptions.** (1) All meetings of public ~~or governmental bodies, boards, bureaus, commissions,~~
 6 ~~agencies of the state, or any political subdivision of the state or organizations or agencies supported in whole~~
 7 ~~or in part by public funds or expending public funds~~ entities must be open to the public.

8 (2) ~~All~~ Except as provided in subsection (3), all meetings of associations that are composed of ~~public~~
 9 ~~or governmental bodies referred to in subsection (1)~~ public entities and that regulate the rights, duties, or
 10 privileges of any individual must be open to the public.

11 (3) ~~Provided, however, the~~ The presiding officer of any meeting may close the meeting during the time
 12 the discussion relates to a matter of individual privacy and then ~~if and~~ only if the presiding officer determines that
 13 the demands of individual privacy clearly exceed the merits of public disclosure. The right of individual privacy
 14 may be waived by the individual about whom the discussion pertains and, in that event, the meeting must be
 15 open.

16 (4) (a) ~~However, except~~ Except as provided in subsection (4)(b), a meeting may be closed to discuss
 17 a strategy to be followed with respect to litigation when an open meeting would have a detrimental effect on the
 18 litigating position of the public ~~agency~~ entity.

19 (b) A meeting may not be closed to discuss strategy to be followed in litigation in which the only parties
 20 are public ~~bodies or associations described in subsections (1) and (2)~~ entities.

21 (5) Any committee or subcommittee appointed by a public ~~body or an association described in~~
 22 ~~subsection (2)~~ entity for the purpose of conducting business ~~which~~ that is within the jurisdiction of that ~~agency~~
 23 public entity is subject to the requirements of this section."

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25 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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